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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,819	05/26/2000	Vadim Vladimirovich Yuzhakov	7606R	9337

27752 7590 01/14/2003

THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
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6110 CENTER HILL AVENUE  
CINCINNATI, OH 45224

EXAMINER

THOMPSON, MICHAEL M

ART UNIT

PAPER NUMBER

3763

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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**Commissioner of Patents and Trademarks**

***Response to Applicant's Election***

1. The reply filed on November 04, 2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): In Applicant's traversal, Applicant's arguments directed to claim 1 as being generic and the request for withhold of the restriction requirement is noted. However this election is not proper since Applicant has failed to elect a species consonant with the previous requirement. The Examiner acknowledges that Applicant has elected one sub-species and claims readable thereon. Applicant failed to provisionally indicate which species Applicant elects. Please note that the Election/Restriction mailed October 01, 2002 indicated in paragraph 4, page 2, that a proper reply also includes an "...identification of the species...". In response to Applicant's traversal, the Examiner would like to point out that while some Species indicated by the Examiner are "substantially similar" or "related" or they might be considered as "*style*" limitations they are structurally different and therefore considered different structural species which are patentably distinct. This is the premise that rightly differentiates a Species Election from a Restriction Requirement. The Examiner would also like to point out that upon successful traversal of a generic claim by Applicant, he will be entitled to consideration of claims directed to the additional species which depend from the allowed generic claim through rejoinder of the previously non-elected claims 37 CFR 1.141. (Also indicated in prior Election/Restriction) See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Art Unit: 3763

### Contacts

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael Thompson whose telephone number is (703) 305-1619. The Examiner can normally be reached on Monday through Friday from 9 am to 5 PM.

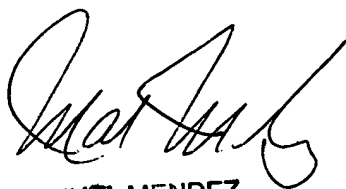
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Primary, AnhTuan Nguyen, can be reached on (703) 308-2154. The official fax phone number for submissions to the organization where this application or proceeding is assigned is (703) 872-9302. The official fax phone number for submission of After Final response is (703) 872-9303.

Michael M. Thompson

Patent Examiner

MT 

January 10, 2003



NOEL MENDEZ  
PRIMARY EXAMINER